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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/644,632

08/19/2003

A. David Shay

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08/14/2008

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EXAMINER

PERUNGAVOOR, VENKATANARAY

ART UNIT

PAPER NUMBER

2132

MAIL DATE

DELIVERY MODE

08/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/644,632

Applicant(s)

SHAY, A. DAVID

Examiner

Venkat Perungavoor

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 223-291 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 223-291 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/1/2008 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 223-291 have been considered but are moot in view of the new ground(s) of rejection.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 223-226, 234-242, 247-254, 260-261, 278-282, 287-291 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6671273 to Beck in view of US Patent Publication 2004/0215771 to Hayes and further in view of US Patent 7134022 to Flyntz.

Regarding Claim 223, 238, 251, 278, Beck discloses theupon initiation of a TCP/IP communication attempt at a source node initiated by a specific authorized user for

Art Unit: 2132

access to a specific resource within a computer network, wherein the TCP/IP communications attempt, and inserting the unique user identifier into the header of the packet see Fig. 3 item 46 & Fig. 5 item step 92; extracting the unique human user identifier from the header of packet to identify the authorized user and granting/denying the authorized human user the access to specific resource at the destination node as function of unique user identifier see Fig. 5 item 104, 108. But Beck fails to explicitly disclose the intercepting and the packet being a synchronization packet. However, Hayes discloses the intercepting and the packet being a synchronization packet see Fig. 3 & Par. 0029. It would be obvious to one having ordinary skill in the art at the time of the invention to include the intercepting and the packet being a synchronization packet in the invention of Beck in order to perform authorization at the early stages of communication as taught in Hayes see Par. 0012. Further Beck nor Hayes disclose the assigning a unique user identifier(Host ID) to each authorized human user of the computer network see Fig. 2 item 10a, 10b, 10c. However, Flyntz discloses the assigning a unique user identifier to each authorized human user of the computer network see Col 6 Ln 26-33 & Fig. 1 item 6. It would be obvious to one having ordinary skill in the art at the time of the invention to include user labels in the invention of Beck in order to access rights associated with users as taught in Flyntz see Col 2 Ln 63-67.

Art Unit: 2132

Regarding Claim 224-225, 239-240, 252-253, 263-264, 266,279-281, Hayes discloses the embedding of identifiers in the sequence number field and acknowledgement field see Fig. 1 item "Identification" & Par. 0043 & Abstract & Par. 0039.

Regarding Claim 226, 241, 254, 265, 267, 282, Hayes discloses the non-zero value of the acknowledgement field see Par. 0039.

Regarding Claim 234-237, 247-250, 260-261, 287-291, Beck discloses the application and the resources being available at a node see Col1 Ln 41-55 & Col 2 Ln 1-5.

Claims 227-229, 242, 255-256, 283-285 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6671273 to Beck in view of US Patent Publication 2004/0215771 to Hayes and further in view of US Patent 6980658 to Rezailifar et al.(hereinafter Rezailifar).

Regarding Claim 227-229, 242, 255-256, 284-285, Beck nor Hayes explicitly discloses the encrypting of username for encoding into packets. However, Rezailifar discloses the encrypting of username and encoding into the packets see Fig. 3 & 5. It would be obvious to one having ordinary skill in the art at the time of the invention to include the encrypting of username and encoding into the packets in the invention of Beck in order to secure the packets on a common network as taught in Rezailifar see Col 8 Ln 34-44.

Claims 230-233, 243-246, 257-259, 286, are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6671273 to Beck in view of US Patent Publication 2004/0215771 to Hayes and further in view of US Patent 7134022 to Flyntz and further in view of US Patent 6493342 to Breslow et al.(hereinafter Breslow).

Regarding Claim 230-233, 243-246, 257-259, 286, Beck nor Hayes discloses the recording of TCP/IP attempts. However, Breslow discloses the recording of recording of TCP/IP attempts see Fig. 7 item 148 & Fig. 4, 5, 6. It would be obvious to one having ordinary skill in the art at the time of the invention to include the recording of recording of TCP/IP attempts in the invention of Beck in order to store for later use as taught in Breslow see Col 20 Ln 21-39.

Claims 262 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6671273 to Beck in view of US Patent Publication 2004/0215771 to Hayes and further in view of US Patent Publication 2004/0233915 to Lin and further in view of US Patent 7134022 to Flyntz.

Regarding Claim 262, Beck discloses the upon initiation of a TCP/IP communication attempt initiated by a specific authorized user for access to a specific resource within a computer network, wherein the TCP/IP communications attempt, and inserting the unique user identifier into the header of the packet see Fig. 3 item 46 & Fig. 5 item step 92; extracting the unique user identifier from the header of packet to identify the authorized user and granting/denying the authorized user the access to specific

resource as function of unique user identifier see Fig. 5 item 104, 108. But Beck fails to explicitly disclose the intercepting and the packet being a synchronization packet. However, Hayes discloses the intercepting and the packet being a synchronization packet see Fig. 3 & Par. 0029. It would be obvious to one having ordinary skill in the art at the time of the invention to include the intercepting and the packet being a synchronization packet in the invention of Beck in order to perform authorization at the early stages of communication as taught in Hayes see Par. 0012. And further Lin discloses the source identifier being embedded within the header see Fig. 1 item "synchronization source identifier". It would be obvious to one having ordinary skill in the art at the time of the invention to include the source identifier in the invention of Beck in order to have an understanding of packet source as taught in Lin see Par. 0005. Further Beck nor Hayes nor Lin disclose the assigning a unique user identifier(Host ID) to each authorized human user of the computer network see Fig. 2 item 10a, 10b, 10c. However, Flyntz discloses the assigning a unique user identifier to each authorized human user of the computer network see Col 6 Ln 26-33 & Fig. 1 item 6. It would be obvious to one having ordinary skill in the art at the time of the invention to include user labels in the invention of Beck in order to access rights associated with users as taught in Flyntz see Col 2 Ln 63-67.

Claims 268-273 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6671273 to Beck in view of US Patent Publication 2004/0215771 to Hayes and further in view of US Patent Publication 2004/0233915 to Lin and further in view of US

Patent 7134022 to Flyntz and further in view of US Patent 6980658 to Rezailifar et al.(hereinafter Rezailifar).

Regarding Claim 268-273 , Beck nor Hayes explicitly discloses the encrypting of username for encoding into packets. However, Rezailifar discloses the encrypting of username and encoding into the packets see Fig. 3 & 5. It would be obvious to one having ordinary skill in the art at the time of the invention to include the encrypting of username and encoding into the packets in the invention of Beck in order to secure the packets on a common network as taught in Rezailifar see Col 8 Ln 34-44.

Claims 274-277 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6671273 to Beck in view of US Patent Publication 2004/0215771 to Hayes further in view of US Patent Publication 2004/0233915 to Lin and further in view of US Patent 7134022 to Flyntz and further in view of US Patent 6493342 to Breslow et al.(hereinafter Breslow).

Regarding Claim 274-277, Beck nor Hayes discloses the recording of TCP/IP attempts. However, Breslow discloses the recording of recording of TCP/IP attempts see Fig. 7 item 148 & Fig. 4, 5, 6. It would be obvious to one having ordinary skill in the art at the time of the invention to include the recording of recording of TCP/IP attempts in the invention of Beck in order to store for later use as taught in Breslow see Col 20 Ln 21-39.

Conclusion

Art Unit: 2132

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is (571)272-7213. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. P./

Examiner, Art Unit 2132

August 5, 2008

/Benjamin E Lanier/

Primary Examiner, Art Unit 2132